IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

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**WRIT PETITION NO : 10722 of 2004**

Between:

Honnur Gram Panchayat, Holagunda Mandal, Kurnool District,

Rep. by Sarpanch Smt. N. Nagaratnamma,
W/o. N. Srinivasa Reddy.

**..... PETITIONER**

AND

1 The Government of A.P., rep. by its Secretary, Revenue

Department, Secretariat, Buildings, Hyderabad.
2 The District Collector, Kurnool.
3 The Revenue Divisional Officer, Adoni, Kurnool District.
4 The Mandal Revenaue Officer, Halagunda Mandal, Kurnool

District.

**....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus, by declaring the action of the Respondents in granting pattas in respect of road laid in Sy.No. 81 B of Nagarkanvi Village, Holagunda Mandal, Kurnool District as arbitrary, illegal and consequently direct the Respondents not to issue any patta in favour of any person in respect of road laid in Sy.NO.81 B of Nagarkanvi village, Holagunda Mandal, Kurnool District .

**Counsel for the Petitioner : MR. C.PRAKASH REDDY**

**Counsel for the Respondents : GP FOR REVENUE**

**The Court made the following :**

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**ORDER :**

Honnur Gram Panchayat, Holagunda Mandal in Kurnool District seeks a writ of mandamus declaring the action of the respondents in granting pattas in respect of the road in Survey No.81 B of Nagarkanvi Village as illegal and arbitrary. The petitioner also seeks a consequential direction to the respondents not to issue any pattas in favour of any person. It is the case of the petitioner that the Sarpanch of the Gram Panchayat undertook formation of a road at an estimated cost of Rs.1,00,000/- under Food for Work Programme during 2003-04 in the land in Survey No.83, 80 and 81 B of Nagarkanvi Village and the land in Survey Nos.59, 66, 65, 64 and 63 of Honnur Village. The petitioner alleges that some people to grab the land in Survey No.81 B, misled Revenue authorities, who without conducting any enquiry proposed to issue pattas in respect of the land covered by the road. Therefore, the petitioner filed the present writ petition.

This Court while admitting the writ petition on 29-6-2004 passed interim orders directing the respondents not to issue any pattas in favour of any person in Survey No.81 B of Nagarkanvi Village. The respondents moved this Court by filing W.V.M.P.No.2763 of 2004 along with the counter affidavit stating that the land in Survey No.81 B admeasuring Acs.6-00 was assigned to one Sri Madiga Honnur and that as per RSR there is a foot path and Nala passing in the land, for the convenience of the public surrounding the villages of Honnur and Korigannor. The other allegations made by the petitioner are denied. It is stated that the road which is in Survey No.81 B is the Gram Panchayat road and it was laid during 2003-04. The allegation that the respondents are assigning the land in Survey No.81 B is also denied.

A perusal of the counter averments, which are not denied by the petitioner, would show that the land in Survey No.81 B admeasuring Acs.6-00 also has a pathway on which the Gram Panchayat laid road. The apprehension of the petitioner Gram

Panchayat that the road land being assigned, is therefore, not well founded. However, it is made clear that the road portion of Survey No.81 B shall not be assigned to anybody.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S. RAO, J.)

30-09-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Government of A.P., rep. by its Secretary, Revenue

Department, Secretariat Buildings, Hyderabad.
2 The District Collector, Kurnool.
3 The Revenue Divisional Officer, Adoni, Kurnool District.
4 The Mandal Revenaue Officer, Halagunda Mandal, Kurnool

District.

5. 2CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

6. 2CD copies

**HON'BLE SRI JUSTICE V.V.S. RAO**

**WRIT PETITION No.10722 of 2004**

**30-09-2004.**

**(Msr)**